

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Marie J. Curto a/k/a Marie J.  
MacManus a/k/a Marie M. Curto  
Debtor.

BANKRUPTCY CASE NUMBER  
18-15586/JKF

JPMorgan Chase Bank, N.A. as servicer for  
PNC Bank, N.A.  
Movant,

CHAPTER 13

11 U.S.C. § 362

v.

March 6, 2019 at 9:30 am

Marie J. Curto a/k/a Marie J. MacManus a/k/a  
Marie M. Curto  
Debtor/Respondent.

Courtroom # 3

Scott Waterman, Trustee  
Additional Respondent.

**MOTION OF JPMORGAN CHASE BANK, N.A. AS SERVICER FOR PNC BANK, N.A.  
FOR RELIEF FROM THE AUTOMATIC STAY UNDER SECTION 362 (d)**

JPMorgan Chase Bank, N.A. as servicer for PNC Bank, N.A. ("Movant"), by and through its undersigned counsel, pursuant to 11 U.S.C. § 362, hereby seeks relief from the automatic stay to exercise and enforce its rights, without limitation, with respect to certain real property. In support of this motion, Movant avers as follows:

1. Debtor named above filed a Voluntary Petition under Chapter 13 of the United States Bankruptcy Code in the Eastern District of Pennsylvania under the above case number.

2. Movant is the holder of a secured claim against Debtor, secured only by a first mortgage lien on real estate which is not the principle residence of Debtor located at 299A Copley Road, Upper Darby, PA 19082 (the "Mortgaged Premises").

3. The filing of the aforesaid Petition operated as an automatic stay under Section 362(a) of the Bankruptcy Code of proceedings by Movant to foreclose on the Mortgaged Premises. Movant requests relief from the automatic stay to continue with the filed mortgage foreclosure action, if any, and to take the necessary action to obtain the Mortgaged Premises.

4. Additional Respondent is the Standing Trustee appointed in this Chapter 13 proceeding.

5. Debtor has not claimed an exemption in the subject property.

6. Debtor has failed to make all post-petition monthly mortgage payments.

7. The defaults include the failure to make the following monthly payments:

- a) Payments of \$697.56 from September 1, 2018 through January 1, 2019 which totals \$3,487.80;

8. The Fair Market Value of the Mortgaged Premises is \$76,949.00, as per Debtor's Schedules. The approximate amount necessary to payoff the loan is \$42,229.58 good through January 10, 2019. The breakdown of the payoff is as follows:

Principal Balance	\$27,401.38
Accrued Interest	\$5,198.62
Escrow Advances made by Plaintiff	\$9,629.58

9. Movant's interests are being immediately and irreparably harmed. Movant is entitled to relief, from the automatic stay, pursuant to either 11 U.S.C. § 362 (d)(1) or (d)(2), because of the foregoing default and because:

- a) Movant lacks adequate protection for its interests in the Mortgaged Premises;
- b) Debtor has little, if any, equity in the Mortgaged Premises; and
- c) The Mortgaged Premises are not necessary to an effective reorganization or plan.
- d) Debtor has indicated in their Chapter 13 Plan that they wish to surrender the Mortgaged Premises.

10. Movant requests that the Court waive Rule 4001(a)(3), permitting Movant to immediately implement and enforce the Court's order.

11. Basis for asserting that the applicable party has the right to foreclose. JPMorgan Chase Bank, N.A., services the loan on the property referenced in this Motion for Relief. In the event the automatic stay in this case is lifted/set aside, this case dismisses, and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of JPMorgan Chase Bank, N.A. as servicer for PNC Bank, N.A.. Said entity, directly or through an agent, has possession of the promissory note. The promissory note is either made payable to said entity or has been duly endorsed.

WHEREFORE, Movant respectfully moves this Court for an Order (i) granting Movant relief from the automatic stay to foreclose upon and to otherwise exercise and enforce its rights with respect to the Mortgaged Premises, (ii) awarding reasonable attorneys' fees incurred in the preparation and presentation of this motion, and (iii) granting all such other and further relief as the Court deems appropriate and necessary.

Dated: January 31, 2019

S&D File #:17-058477

Respectfully submitted,

BY: /s/ Kevin S. Frankel

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